

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
5:19-cv-00467-BO

JUSTIN J. WHITE,

Plaintiff,

v.

VANCE COUNTY, NORTH CAROLINA,  
VANCE COUNTY SHERIFF'S OFFICE,  
PETER WHITE, in his official and individual  
capacities, LAWRENCE D. BULLOCK, in  
his official and individual capacities,  
WELDON WALLACE BULLOCK, in his  
official and individual capacities.

Defendants.

**DEFENDANTS' AMENDED  
RESPONSE TO PLAINTIFF'S  
MOTION TO COMPEL  
AND SANCTION DEFENDANTS**

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NOW COME the defendants, by and through counsel, and, pursuant to Local Rules 7.1(f) and 7.2(a), file this Amended Response to Plaintiff's Motion to Compel and Sanction Defendants (D.E. No. 38).

The issue before the Court is whether plaintiff could serve discovery requests by electronic means only, absent the consent of the defendants. As discussed, in accordance with Federal Rules of Civil Procedure Rule 5(b)(2)(E), consent in writing is a prerequisite for service via electronic means. To date, plaintiff has neither requested nor received this requisite consent.

Nonetheless, plaintiff has now sent deposition notices to the defendants by both electronic means and regular mail (see attached **Exhibit A**). This indicates that plaintiff recognizes the proper method of service. Additionally, it underscores that plaintiff has chosen when to follow the rules and when not to follow the rules. However, it is not up to plaintiff to choose if and when he is required to follow the rules. "Following rules and evincing an interest in one's own proceeding

do not require special legal training, but rather are universal prerequisites for an orderly judicial system, if not the hallmark of well intending individuals.” Gaston v. Anson County Board of Educ., 2019 WL 3423590, \*1 (W.D.N.C. Feb. 19, 2019) (internal citation and quotations omitted).

To date, plaintiff still has not properly served his discovery requests despite the defendants’ numerous invitations to him to do so. Accordingly, plaintiff’s motion should be denied.

Respectfully submitted, this the 6th day of October, 2020.

/s/ Erin H. Epley  
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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she is an attorney at law licensed to practice in the State of North Carolina, is attorney for defendants in this matter, and is a person of such age and discretion as to be competent to serve process.

I hereby certify that on October 6, 2020, I electronically filed the foregoing **DEFENDANTS' AMENDED RESPONSE TO PLAINTIFF'S MOTION FOR LEAVE TO FILE AMENDED COMPLAINT** with the Clerk of the Court using the CM/ECF system, which will send notification of such to the following CM/ECF participant:

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